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Attorney Docket No. 07579.0006-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Graham Edmund KELLY

Serial No.: 09/986,509

Filed: November 9, 2001

For: TREATMENT OR PREVENTION OF
MENOPAUSAL SYMPTOMS

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)
) Group Art Unit: 1617
)
)
) Examiner: Edward J. WEBMAN
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

*9/ notice re
Related
litigation*

NOTICE REGARDING RELATED LITIGATION

Applicant hereby notifies the U.S. Patent and Trademark Office that a patent possibly related to the present application is involved in litigation. The present application, U.S. Serial No. 09/986,509, filed November 9, 2001, is a continuation of U.S. application Serial No. 09/077,590, filed as PCT/AU98/00313 on May 1, 1998, which entered the national stage on June 2, 1998. The patent in suit, U.S. Patent No. 6,562,380, issued from U.S. application Serial No. 08/910,837 on May 13, 2003, and was originally filed on August 13, 1997, as a continuation of U.S. application Serial No. 08/338,567, filed January 12, 1995, now U.S. Patent No. 5,830,887. Although the instant application and the patent in suit do not share a common specification or overlapping claims to priority, in the utmost of caution, the Applicant submits this notice in the event that the disclosures in the respective specifications would be considered related. Application Serial Nos. 09/986,509; 09/077,590; 08/910,837; and 08/338,567 are assigned to Novogen Pty. Ltd. ("Novogen").

STATUS OF RELATED LITIGATION

On June 3, 2003, Solae, L.L.C. ("Solae") filed a Complaint alleging that Archer Daniels Midland Company ("ADM") and Amerifit Nutrition, Inc. ("Amerifit") infringe at least one claim of

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U.S. Patent No. 6,562,380. The case, Civil Case No. 03-CV-732, was filed in U.S. District Court for the Eastern District of Missouri. The undersigned believes that Solae is the exclusive licensee of U.S. Patent No. 6,562,380 for products containing soy-derived isoflavones.

On June 23, 2003, ADM filed a Motion for extension of time to answer the Complaint until July 3, 2003. On June 26, 2003, the judge granted the Motion for extension of time to answer the complaint until July 3, 2003. On June 30, 2003, Amerifit filed a motion for extension of time to respond to the Complaint up to and including July 14, 2003. On July 3, 2003, ADM filed a motion to dismiss. On July 11, 2003, Amerifit filed a motion to dismiss. On August 11, 2003, Solae filed a response to the motions to dismiss. On August 14, 2003, Amerifit and ADM filed replies to Solae's response to the motions to dismiss. On August 26, 2003, Solae file a sur-reply to the motion to dismiss.

REMARKS

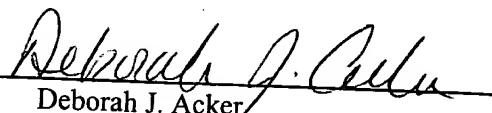
Further to this Notice Regarding Related Litigation, the Applicant submits a copy of the Complaint and a copy of the docket for Civil Case No. 03-CV-732, as of August 27, 2003.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 10, 2003

By: 
Deborah J. Acker
Reg. No. 48,916

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